

CHAPTER 8

CONDITIONAL USES

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11-8-101 Purpose and Intent.

The purpose of this Chapter is to establish standards for certain land uses which, because of their unique characteristics or potential impacts on the City, surrounding residential neighborhoods, or other adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required which mitigate or eliminate the detrimental impacts. The standards for the issuance of a Conditional Use Permit are established to insure compatibility with surrounding land uses, conformity with the Farmington City Comprehensive Plan, and the protection, preservation, and promotion of the public interest, health, safety, convenience, comfort, prosperity, and general welfare.

To help achieve this purpose, any Conditional Use application which includes new development on a previously undeveloped site, additions to existing structures, changes to a developed site, or a change in use, shall conform to the Site Development Standards contained in Chapter 7 of this Title.

11-8-102 Application.

(1) Application for a Conditional Use Permit shall be filed with the City Planner. The application shall be signed by the property owner or his authorized agent and shall be accompanied by the following:

- (a) Five (5) sets of the site development plans required by Section 11-7-107;
- (b) A fee as specified in the current fee schedule;
- (c) The applicant shall provide to the Planning Department the names and addresses of all property owners within three hundred (300) feet from the boundary of the subject property as listed in the current records of the Davis County Recorder.

(2) After all the information required by this Section is received by the Planning Department, the application may be placed on an agenda for consideration by the Planning Commission.

11-8-103 Application Review.

(1) Documents required for the application shall be delivered by the applicant to those departments and entities designated by the Planning Department, which may include, but are not limited to the following:

- (a) Farmington City Building Inspection Department, Fire Department, Public Works Department, City Engineer, Police Department, Planning Department, or City Attorney;
- (b) County Agencies;
- (c) Utah Department of Transportation and other State Agencies;
- (d) Pressure Irrigation Districts, Sewer Districts, or other special districts in which the property is located;
- (e) School Districts; or
- (f) Public Utilities.

All information and comments received from these departments and entities shall be returned to the Planning Department.

(2) The Planning Department shall review each application for conformance to the standards outlined in this Chapter; for conformance with the Comprehensive Plan and all applicable City ordinances; for conformance with good planning practice; for environmental impacts which may be associated with the site development; and shall present its recommendations to the Planning Commission.

(3) The Public Works Department and City Engineer shall review and make comments concerning flood control requirements; engineering requirements for street widths, grades, and alignments; whether the proposed public improvements conform to sound engineering practice and design standards established by the City; and shall be responsible for the approval and inspection of all public improvements.

11-8-104 Public Hearing.

The Planning Commission shall hold a public hearing on all Conditional Use applications. Notice of public hearings shall be given as required by law and according to policies established by the Commission. The Planning Commission shall take action on the application within a reasonable time after the filing of a complete application.

11-8-105 Conditional Use Standards.

Conditional Use applications shall be reviewed in accordance with, and shall conform to, all of the following standards:

(1) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community;

(2) The proposed use shall comply with the regulations and conditions in this Ordinance for such use;

(3) The proposed use shall conform to the goals, policies, and governing principles of the Comprehensive Plan for Farmington City;

(4) The proposed use shall be compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development;

(5) Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available or may be provided; and

(6) Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A proposed use shall be considered detrimental:

- (a) If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
- (b) If it will unreasonably interfere with the lawful use of surrounding property; or
- (c) If it will create a need for essential municipal services which cannot be reasonably met.

11-8-106 Amendment or Modification of a Conditional Use.

Once granted, a Conditional Use shall not be enlarged, changed, extended, increased in intensity, or relocated unless a new Conditional Use application is made and approved by the Planning Commission, except as provided below:

(1) Modifications to an approved Conditional Use Permit may only be granted when it can be determined that such changes or modifications are necessary to accommodate special circumstances related to the location, siting, or implementations of the approved development and where such modifications are found to be so insignificant and minor so as not to measurably change the approved Conditional Use Permit or the intent of conditions that may have been imposed. The request for amendment shall be made in writing and documented on the site plan of the project.

(2) The applicant may specifically request that the Conditional Use Permit be modified by enlarging or diminishing the size of the structure(s), shifting the location of the structure(s), or changing the use to a different permitted use in the underlying zone.

(3) The City Planner may review and approve requests for modification of a Conditional Use Permit. Amendment requests which are determined to constitute a significant change to the approved use shall be heard by the Planning Commission. A revised Conditional Use Permit shall be filed by the City Planner and replace the previously approved permit.

11-8-107 Planning Commission Action.

(1) At the public hearing, testimony may be given by the applicant and all other persons either in support or opposition to the application. After consideration of the testimony,

the application, and all other evidence presented, the Planning Commission may approve the application, approve the application with conditions, continue the application to a subsequent meeting, or disapprove the application.

(2) Appropriate conditions may be attached to any approval where, and to the extent that, the Planning Commission finds that the imposition of such conditions will directly mitigate or eliminate some impact created by the proposed use which violates the intent of this Chapter and Title.

(3) All conditions shall be entered into the minutes of the Planning Commission and on the Conditional Use Permit. Except as specified in Section 11-8-111, all conditions shall run with the land, and shall be binding on the original applicants, their heirs, successors, and assigns.

11-8-108 Notice of Planning Commission Action.

Within a reasonable time following the public hearing, the applicant shall be notified, by letter, of the Planning Commission's action. If the application is approved, the action letter shall outline conditions attached to the approval, if any, the procedures to be followed prior to obtaining a business license or Building Permit, and the expiration date of the approval.

11-8-109 Issuance of Conditional Use Permit and Building Permit.

A Building Permit shall not be issued for any building or structure requiring a Conditional Use Permit until the permit is approved by the Planning Commission. The City Planner shall review and approve the final plans and, if all conditions are met, may sign and issue the Conditional Use Permit on behalf of the Planning Commission and may recommend approval of the Building Permit.

11-8-110 Compliance with Conditional Use Permit Before Issuance of Certificate of Occupancy.

The Building Official shall not issue a Certificate of Occupancy unless the land and/or structures for which the certificate is requested is in full compliance with the conditions of the Conditional Use Permit. The certificate shall be reviewed and approved by the Zoning Administrator. The bonding requirements as outlined in Section 11-4-107 shall apply to all Conditional Uses.

11-8-111 Expiration.

(1) Unless there is substantial action under a Conditional Use Permit within a period of twelve (12) months from the date of Planning Commission approval, the permit shall expire. Substantial action shall be demonstrated by submitting final plans for approval and obtaining, and maintaining, a current Building Permit. If construction is not proposed as an element of the Conditional Use, a business license shall be obtained to satisfy this requirement.

(2) If the conditional use permit is to expire pursuant to (1) of this section, a request for extension may be filed with the Planning Department not less than thirty (30) days prior to the expiration date. The original conditional use approval shall remain valid until the request for extension is acted upon by the Planning Commission. Failure to request the extension in a timely manner shall cause a conditional use permit to expire without further notice. A new conditional use application shall be requested prior to any reinstatement of the use.

(3) The Planning Commission for reasonable cause may, after evaluating the applicant's progress in the previous year and after considering the Planning Department's

recommendation, grant an extension of up to one (1) year on the conditional use permit. Only one (1) extension shall be granted.

(4) If the approved use or activity should cease for any reason for a continuous period of one (1) year or more, the Conditional Use Permit shall automatically terminate without notice. Application for, and approval of, a new Conditional Use shall be required prior to any subsequent reinstatement of the use.

11-8-112 Revocations.

(1) Any violation of a Conditional Use Permit, any conditions thereof, or any requirement of this Title shall be grounds for the review and possible revocation of a Conditional Use Permit by the Planning Commission.

(2) The Planning Commission shall provide the property owner an opportunity to be heard in a hearing following notice. Upon hearing, the Planning Commission shall either sustain or revoke the permit. The Planning Commission may grant a period in which the property may come into compliance with the conditions of the Conditional Use Permit.

11-8-113 Appeal.

Any decision made in administration of this Chapter may be appealed as outlined in Section 11-4-109 of this Title.